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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/350,875 07/09/99 WALKER

J WD2-98-113

022927  
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STAMFORD CT 06905

TM02/1018

EXAMINER

O CONNOR, G

ART UNIT

PAPER NUMBER

2167

DATE MAILED:

10/18/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/350,875

Applicant(s)

Walker et al.

Examiner

O'Connor

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE one MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above, claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claims 1-56 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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## **DETAILED ACTION**

### ***Election/Restriction***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-15 and 32, drawn to a method of using a point of sale terminal or electronic cash register, classified in class 705, subclass 16.
  - II. Claims 16-19, drawn to a method of using a point of sale terminal comprising product or record sensing, classified in class 705, subclass 23.
  - III. Claim 20, drawn to a method of using a point of sale terminal comprising a price look-up table, classified in class 705, subclass 20.
  - IV. Claims 21-25, drawn to a method of computer control for a point of sale terminal, classified in class 700, subclass 1.
  - V. Claims 26-28, drawn to a method of electronic shopping comprising presentation of an image or description of sales items, classified in class 705, subclass 27.
  - VI. Claims 29 and 31, drawn to a computer client-server network arrangement, classified in class 709, subclass 203.
  - VII. Claim 30, drawn to a method of electronic bill preparation, classified in class 705, subclass 34.
  - VIII. Claims 33-38 and 42, drawn to an electronic cash register comprising price look-up processing, classified in class 705, subclass 20.

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- IX. Claims 39-40, drawn to a point of sale terminal or an electronic cash register, classified in class 705, subclass 16.
- X. Claims 41 and 43-45, drawn to database for storing price information, classified in class 709, subclass 300.
- XI. Claims 46-48 and 52-54, drawn to computer processing task management system, classified in class 709, subclass 100.
- XII. Claim 49, drawn to a computer-readable storage medium, classified in class 360, subclass 131.
- XIII. Claims 50-51, drawn to a computer readable memory for storing a computer program, classified in class 369, subclass 47.
- XIV. Claim 55, drawn to an automated electrical accounting practice or management arrangement, classified in class 705, subclass 30.
- XV. Claim 56, drawn to a method of using a computer readable memory for storing a computer program, classified in class 369, subclass 292.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I-V, VII, and XV are each related to each of Inventions VI and VIII-XIV, as process and apparatus for its practice. The inventions are distinct if it can be shown that *either*:  
(1) the process as claimed can be practiced by another, materially different apparatus, or by hand,  
*or* (2) the apparatus as claimed can be used to practice another, materially different process.

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(MPEP § 806.05(e)). In this case, each of the processes as claimed can be practiced by materially different apparatuses, such as the apparatus of Invention VI and the apparatus of Invention XIV.

Inventions I and II, III and IV, I and V, and I and VII, are each related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In this case, each of the two inventions in each of the above pairs of inventions can be used separately from each other. See MPEP § 806.05(d).

Invention I is related to each of Inventions III and XV as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, *and* (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In this case, the combination as claimed does not require the particulars of the subcombinations as claimed because a system in accordance with Invention I need not include a database. The subcombinations have separate utility by themselves.

Inventions VI and VIII-XIV are each mutually related to each of the others as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In this case, each of the two inventions in each of the respective pairs of inventions can be used separately from each other. See MPEP § 806.05(d).

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3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. A telephone call was placed to Mr. Dean Alderucci (Reg. N<sup>o</sup> 40,484), attorney for applicants, on October 5, 2001, to discuss an oral election to the above restriction requirement, but the call did not result in an election being made.

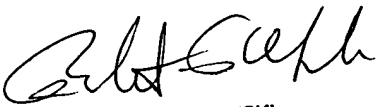
5. Applicant is advised that the reply to this requirement, to be complete, *must* include an election of the invention to be examined, even if the requirement be traversed (37 CFR 1.143).

***Conclusion***

6. Any inquiry concerning this communication, or earlier communications, should be directed to the examiner, Jerry O'Connor, whose telephone number is (703) 305-1525.

GJOC

October 5, 2001

 10/15/01  
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